

1 WENDY M. KRINCEK, ESQ., Bar # 6417
2 MARCUS B. SMITH, ESQ., Bar # 12098
3 LITTLER MENDELSON, P.C.
3960 Howard Hughes Parkway
Suite 300
Las Vegas, NV 89169-5937
4 Telephone: 702.862.8800
Fax No.: 702.862.8811
5 Email: wkrincek@littler.com
mbsmith@littler.com

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7 Attorneys for Defendants
Dreamdealers USA, LLC d/b/a Exotics Racing,
David Perisset, and Roman Thievin
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10 UNITED STATES DISTRICT COURT
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13 DISTRICT OF NEVADA
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16 EDWARD B. DOUGLAS, an individual,

Case No. 2:17-cv-02134-APG-BNW

17 Plaintiff,
18 vs.
19 DREAMDEALERS USA, LLC d/b/a
20 EXOTICS RACING, A Nevada limited
liability company, DAVID PERISSET, an
21 individual, and ROMAN THIEVIN, an
individual,
22 Defendants.

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28 **MOTION TO EXCUSE INDIVIDUAL
DEFENDANTS FROM SETTLEMENT
CONFERENCE**

29 Defendants Dreamdealers USA, LLC d/b/a Exotics Racing, David Perisset, and Roman
30 Thievin, by and through their counsel of record, Littler Mendelson, P.C., hereby respectfully
31 submit their Motion to Excuse Individual Defendants from Settlement Conference.

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33 **MEMORANDUM OF POINTS AND AUTHORITIES**

34 Defendants respectfully request that the Court excuse Individual Defendants Perisset and
35 Thievin from the Settlement Conference scheduled for May 12, 2020, per ECF No. 69.
36 Specifically, the Court's Order Scheduling Settlement Conference (ECF No. 69), schedules the
37 Settlement Conference for May 12, 2020, and requires in-person attendance of, among others, "all
38 individual parties . . ." (ECF No. 69 at 2:2-4). On April 19, 2020, the Court issued a Minute
39 Order in Chambers, modifying its Order Scheduling Settlement Conference to allow the Settlement

1 Conference to take place telephonically. (See ECF No. 71). The remainder of the Order
2 Scheduling Settlement Conference remains in place, however, including the requirement for all
3 individual parties to participate. (See *id.*). Defendants now respectfully request that the Court
4 excuse Individual Defendants Perisset and Thievin from participation in the Settlement
5 Conference.

6 Defendants will be represented at the Settlement Conference by Wendy Medura Krincek,
7 Esq. and Marcus B. Smith, Esq., Littler Mendelson, P.C., and by Corporate Counsel for
8 Defendants, Ismail Amin, Esq. Also participating will be Elina Burke, Senior Claims Specialist for
9 Chubb, Defendants' employment practices liability insurance carrier. These individuals will have
10 settlement authority up to the full amount of the claim on behalf of all Defendants. In addition,
11 these individuals are intimately familiar with the entirety of the facts, law, and history of this case.

12 Participation by Individual Defendants Perisset and Thievin will not substantially improve
13 the utility of the Settlement Conference or the prospects of settlement. That is so because of the
14 reasons set forth above, and because the insurance retention amount is exhausted and, as just stated,
15 the insurer representative will be participating and will have full authority to resolve the matter for
16 all of the named Defendants. Therefore, Defendants respectfully request that the Court excuse the
17 Individual Defendants from participation in the May 12, 2020 Settlement Conference.

18 Dated: April 23, 2020

19 The Court has reviewed and
20 considered Defendants' motion to
21 excuse individual defendants from
22 the upcoming settlement
23 conference. Plaintiff must respond
24 by 5/1/2020 stating whether he
25 opposes Defendants' motion. IT IS
26 SO ORDERED.

27 **IT IS SO ORDERED**

28 **DATED: April 24, 2020**

Respectfully submitted,

/s/ Marcus B. Smith
WENDY M. KRINCEK, ESQ.
MARCUS B. SMITH, ESQ.
LITTLER MENDELSON, P.C.

Attorneys for Defendants



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BRENDA WEKSLER

UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169. On April 23, 2020, I served the within document(s):

**MOTION TO EXCUSE INDIVIDUAL DEFENDANTS FROM SETTLEMENT
CONFERENCE**

By **CM/ECF Filing** – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court’s Case Management and Electronic Case Filing (CM/ECF) system:

Dustin L. Clark
Holley, Driggs, Walch, Fine, Puzey, Stein &
Thompson
400 South Fourth Street, Third Floor
Las Vegas, NV 89101

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 23, 2020, at Las Vegas, Nevada.

/s/Joanne Conti
Joanne Conti

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